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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,455	12/07/2000	Gordon D. Ford	ASF99289-PA-US	1279
7590	10/07/2004			
Simon, Fakhoury, Tangalos, Frantz & Galasso, PLC P.O. Box 26503 Austin, TX 78755-0503			EXAMINER GIBBS, HEATHER D	
			ART UNIT 2622	PAPER NUMBER

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,455

Applicant(s)

FORD ET AL.

Examiner

Heather D Gibbs

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 2 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "approximately" in claims 2 and 8 is a relative term, which renders the claims indefinite. The term "approximately" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-7, 9-11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirata (U.S. Patent No. 5,210,600).

For claim 1, Hirata discloses a method for scanning a photographic film using a scanner comprising: performing a pre-scan of the film (Abs.; col. 7, lines 46-47); sampling a color density of at least one location of the film (col. 7, line 56 – col. 8, line 17); comparing

Art Unit: 2622

the color density to a standard range indicating an orange bias for the at least one location (Fig. 4(a); col. 10, line 32 – col. 11, line 2); and setting the scanner to treat the film as a negative if the color density is within the standard range and to otherwise treat the film as a positive (Fig. 3(a); col. 11, lines 3-5).

For claim 3, Hirata discloses wherein the color density is determined for each of red, green, and blue (col. 9, line 59 – col. 10, line 39).

For claim 4, Hirata discloses wherein the color density for each of the red, green, and blue is averaged for the red, green and blue, respectively, for each of the at least one locations and the average is employed in the step of comparing (Abs; col. 8, lines 9-28).

For claim 5, Hirata discloses a method of scanning a photographic film using a scanner, comprising the step of determining, automatically, whether the film is a positive or a negative (Fig. 4(a); col. 11, lines 3-7).

For claim 6, Hirata discloses a step of controlling the scanner to properly scan the film based on the determination of the positive or negative (Fig. 4(a); col. 11, lines 3-7).

For claim 7, Hirata discloses a system for distinguishing between positive and negative film, the film exhibit a red, green, and a blue illumination characteristic comprising: a scanner, including a sensor operable to detect red, green, and blue (226 Fig. 9; col. 9, lines 37-42); an analog output from the sensor indicative of the red, green, and blue (col. 5, lines 40-42); an analog-to-digital converter, connected to the sensor, for receiving the analog output (col. 5, lines 43-47); a digital output from the analog-to-digital converter, connected to the analog-to-digital converter (col. 5, line 45-47); a microprocessor system, including a microprocessor and a memory, connected to the digital output (240, Fig. 9); a logic module, connected to the microprocessor system, wherein the logic module determines relative

Art Unit: 2622

densities of red, green, and blue (634 Fig. 9; col. 6, lines 1-15); and a control connection, connected to the microprocessor system and the scanner, reactive to relative densities determination by the logic module in order to control the scanner (col. 6, lines 5-15).

For claim 9, Hirata disclose a scanner system for digitizing a film, comprising; a sensor system operable to detect a characteristic of the film (col. 8, lines 56-68); a control system operable to set control functions in response to the characteristic (6, Fig. 1; col. 9, lines 19-27).

For claim 10, Hirata discloses wherein the characteristic is selected from the group consisting of positive or negative (col. 11, lines 3-5).

For claim 11, Hirata discloses wherein the characteristic is an orange bias (col. 10, lines 32-39).

For claim 13, Hirata discloses a method for digitizing a film, comprising the steps of; detecting, automatically a characteristic of the film (col. 8, lines 56-68); scanning the film (col. 7, lines 46-47); and adjusting automatically, the step of scanning based on the characteristic (col. 10, line 32 – col. 11, line 2).

For claim 14, Hirata discloses wherein the characteristic is indicative of a type of film and the step of adjusting varies the step of scanning to conform to the type (Fig. 4(a); col. 11, lines 3-7).

For claim 15, Hirata discloses a system for digitizing a film having a characteristic, comprising; an automated detector of the characteristic (2, Fig. 1; col. 9, lines 19-27).

For claim 16, Hirata discloses a system comprising; an optical digitizer, connected to the controller (1, Fig. 1; col. 8, line 64 – col. 9, line 27); wherein the optical digitizer is controlled by the controller (6, Fig. 1; col. 9 lines 19-27).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata (U.S. Patent No. 5,210,600) as applied to claims 1 and 7 above, and further in view of Usami (U.S. Patent No. 5,489,997).

For claims 2 and 8, Hirata fails to disclose the standard range of the red, green and blue in relative proportions, in an 8-bit system comprise of the red being greater than 150, the green being greater than 75, and the blue being less than 50.

Usami discloses a color image processing apparatus which uses a predetermined count value for each of the red, green, and blue components to detect a positive or negative film (col. 4, lines 44-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the predetermine values discloses in Usami could comprise of the red being greater than 150, the green being greater than 75, and the blue being less than 50. It also would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the image processing apparatuses of Hirata and Usami because both teach image processing apparatuses which determine whether a film is a positive or negative. The improvement on Hirata by Usami would allow for a predetermine range to be used when determine the type of film.

Art Unit: 2622

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata (U.S. Patent No. 5,210,600) as applied to claim 9 above, and further in view of Kida (U.S. Patent No. 6,049,392).

For claim 12, Hirata fails to teach the characteristic comprising a film identification tag.

Kida discloses a characteristic comprising a film identification tag (Abs.; col. 29, line 49 – col. 30, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the image processing apparatus of Hirata and the film printing system of Kida because both disclose film image processing apparatuses. The improvement on Hirata by Kida would allow for efficient film identification.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

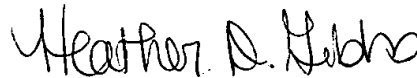
a. Hibino et al. (U.S. Patent No. 5,751,343) discloses a film image reproduction signal output apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

Art Unit: 2622


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs
Examiner
Art Unit 2622

hdg



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